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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,316	07/31/2000	Hisham Abdelhamid	81862.P176	4370

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EXAMINER
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NGUYEN, VAN KIM T

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 01/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/629,316

Applicant(s)

ABDELHAMID ET AL.

Examiner

Van Kim T. Nguyen

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

This Office Action is responsive to communications filed on July 31, 2000.

#### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign mentioned in the description: Ref. network 230, page 9, line 10 and 19.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "230" has been used to designate both "network" on page 9: lines 10 and 19, and "router" on page 10: lines 4-5

A proposed drawing correction, corrected drawings, or amendment to the specification to correct the reference sign in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 9, 12, and 14-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelissier et al (US 6,661,773), in view of Srinivasan (US 6,304,549).

Regarding claims 1, 3-5,7-9, 12, 16, 18, 20, 23-24, 26-28, 32-33, 34, and 36- 38, as shown in Figs. 1-4, Burns discloses a communication method in a network comprising transmitting data on a first virtual circuit (primary bi-directional virtual connection/original path;

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col. 1: lines 59 – 67 ) in a network; receiving a message on a second virtual circuit (alternate path; col. 2: lines 1-19) in the network, the message signaling a failure detected in the network (col. 3: lines 13-29), and switching the data transmitted on the first virtual circuit to the second virtual circuit (col. 1: line 59 – col. 4: line 52).

However, Burns does not call for switching the data transmitted on the first virtual circuit to the second virtual circuit within a predetermined period of time.

Regarding claims 19, 21-22, 25, 35, and 39, Burns also does not call for monitoring the first virtual circuit and the second virtual circuit for a second predetermined period of time, and transmitting the message if data is not received during the second predetermined period of time.

Regarding claims 2, 14-15, 17, and 30-31, Burns also does not explicitly call for the network to be an IP network, or the connection to be a VoIP, or VoATM connection.

Regarding claims 6 and 29, Burns also does not explicitly call for determined bandwidth to support the plurality of connections is assigned to the first virtual circuit and the second virtual circuit.

As shown in Figs. 1-10, Srinivasan teaches bandwidth management in ATM, IP-over-ATM communication networks, supports a range of data, voice, image, video, and multimedia services (col. 1: line 10- 55; col. 13: line 10 – col. 14: line 43 ).

Srinivasan also teaches dynamically managing VPC routes and resource allocations by continuously monitoring the VPCs for topological changes caused by failures and additions of network elements (col. 2: lines 57-61; col. 7: lines 32-55). VPCs may be setup based on pre-specified rules (col. 8: line 34 – col. 9: lines 34), and dynamically changes setup to accommodates link/node additions and failures (col. 16: line 4 – col. 17: line 35).

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Since it is highly desirable to establishing virtual connections that are stable and with minimal downtime in a communication network, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Srinivasan's method of Virtual Path Management to Burns' ATM Virtual Connections System, motivated by the need to be able to rapidly change the network topology caused by either link/node failures or system maintenance/upgrade without incurring the penalty of network downtime or data losses.

***Allowable Subject Matter***

Claims 10-11, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Claims are considered allowable when reading the claims none of the references of record singly or in combination disclose or suggest the combination limitations specified in the independent claims including detecting a predetermined gap in transmission of the data along the one connection; transmitting a data packet signaling the predetermined gap, and discarding the message without switching the data.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

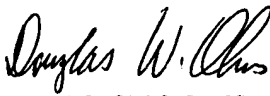
Pelissier et al (US 6,661,773) ; Buckingham et al (US 6,657,970) ; Dittia et al (US 6,654,342) ; Kajitani et al (US 6,643,254) ; Chuah (US 6,377,548) ; Heeren et al (US 6,311,288); Rochberger et al (US 6,272,107); Shiragaki (US 6,023,452); Vaman et al (US 6,011,780); Takano et al (US 5,926,456); Havansi (US 5,905,714); Shah et al (US 5,646,936); Foglar (US 5,671,215); Heeren et al (US 6,311,288); Srinivasan et al (US 6,304,549); Iwata (US 6,026,077); Fedyk et al (US 5,848,055); Sato et al (US 5,781,528); Tatsuki (US 5,598,403).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 703-305-7692. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Olms can be reached on 703-305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

vkn

  
DOUGLAS OLMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600